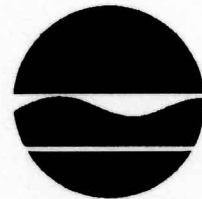


New York State Department of Environmental Conservation  
Division of Mineral Resources - Room 202  
50 Wolf Road, Albany, New York 12233-6500  
Telephone: (518) 457-0100



Thomas C. Jorling  
Commissioner

November 9, 1993

Mr. Dermott Courtney  
Underground Injection Control Section  
U.S. Environmental Protection Agency  
Jacob K. Javits Federal Building - Room 845  
New York, NY 10278

Dear Mr. Courtney:

Thank you for sending me a copy of Akzo Salt, Inc.'s August 19, 1993 application to modify UIC permit NYU 063860. Akzo requests blanket approval to conduct fuel oil padding operations on "any properly constructed and operated well, rather than specifically for Well 58 alone."

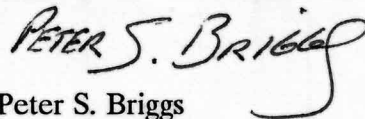
The Division of Mineral Resources (DMN) prefers a well-by-well oil padding request, review and approval process. DMN, with the assistance of several other NYSDEC Divisions, performed an extensive and thorough review of Akzo's request to pad Well No. 58 and approval was ultimately granted with additional Department required safeguards. We are not in favor of the USEPA granting Akzo's blanket request for the following reasons:

1. Past Performance - In 1975, a fuel oil spill occurred while oil padding Well No. 49 and oil entered Seneca Lake via a brinefield runoff creek. A well-by-well oil pad review process will help to prevent a reoccurrence of a similar event and protect Seneca Lake.
2. Well and Site Specific - Each well within the brinefield is somewhat unique with respect to downhole and surface siting conditions, and each oil padding proposal should be evaluated individually to ensure environmental protection of groundwaters, surface waters and the land surface.
3. SPCC - The Spill Prevention, Control and Countermeasure Plan (SPCC) is limited in scope to the oil padding operations proposed for Well No. 58, and therefore does not adequately address operations that may occur if a blanket approval is granted.
4. Project Uniqueness - Akzo states that fuel oil padding "is extremely common, and is used successfully by Akzo Salt Inc. at solution mined brinefields in Michigan and Ohio, and by its parent company"... "in the Netherlands, Germany, and Denmark." Akzo supplied DMN with documentation stating over 350,000 gallons of oil was

injected in the 1970's at their Watkins Glen facility, but interestingly they do not include and cite the subject operation as "successful." The solution salt mining industry has been operating in New York State for over 100 years and regulated by the State for almost 20 years, and Well No. 58 was the first fuel oil padding proposal ever received by DMN. We would like to see a level of fuel oil padding confidence demonstrated within New York State prior to the USEPA considering granting a blanket approval to conduct fuel oil padding operations at Akzo's Watkins Glen facility.

In conclusion, the Division of Mineral Resources asks that the USEPA consider our concerns and deny Akzo's request to modify UIC permit NYU 063860 for blanket approval for oil padding. Please call me if you have any questions or comments.

Sincerely,

A handwritten signature in dark ink, reading "PETER S. BRIGGS". The signature is written in a cursive, slightly stylized font. The first name "PETER" is in all caps, and "S. BRIGGS" follows in a similar style.

Peter S. Briggs  
Mineral Resources Specialist II